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ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1967.

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The Elementary and Secondary Education Act Amendments of 1967 legislate financial a sistance for the education of children from low-income families, appropriations for school library resources and other instructional materials, and funds for supplementary educational centers and services. Also covered are grants for cooperative educational research activities and grants to strengthen state departments of education. Other amendments regulate grants for adult education and for the education of bilingual children, handicapped children, potential dropouts, and American Indian children. Additional amendments refer to state advisory councils and state plans, to assistance for school construction in cases of certain disasters, and to education in Federally-affected areas. (LB)

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Public Law 90-247
90th Congress, H. R. 7819
January 2, 1968

An Act

To strengthen, improve, and extend programs of assistance for elementary and secondary education, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Elementary and Secondary Education Amendments of 1967". Elementary and Secondary Education Amendments of 1967.

ADMINISTRATION

SEC. 2. Rules, regulations, guidelines, or other published interpretations or orders issued by the Department of Health, Education, and Welfare or the United States Office of Education, or by any official of such agencies, in connection with, or affecting, the administration of programs authorized by this Act or by any Act amended by this Act shall contain immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based. All such rules, regulations, guidelines, interpretations, or orders shall be uniformly applied and enforced throughout the fifty States.

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND RELATED AMENDMENTS

PART A—AMENDMENTS TO TITLE I OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

PROVISIONS RELATING TO SCHOOLS FOR INDIAN CHILDREN

SEC. 101. The third sentence of section 203(a)(1)(A) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "June 30, 1967," and inserting in lieu thereof "June 30, 1968, and the fiscal year ending June 30, 1969,". 80 Stat. 1191. 20 USC 241c.

RAISING THE DOLLAR LIMITATION FOR STATE ADMINISTRATIVE EXPENSES UNDER TITLE II OF PUBLIC LAW 874

SEC. 102. Effective for fiscal years beginning after June 30, 1967, section 207(b)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "$75,000" and inserting in lieu thereof "$150,000". 79 Stat. 1162. 20 USC 241g.

TECHNICAL CORRECTIONS WITH RESPECT TO PAYMENTS ON ACCOUNT OF NEGLECTED OR DELINQUENT CHILDREN

SEC. 103. (a) The first sentence of section 203(a)(2) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting "(other than such institutions operated by the United States)" immediately after "living in institutions for neglected or delinquent children", and by striking out "paragraph (5)" and inserting in lieu thereof "paragraph (7)". 79 Stat. 28; 80 Stat. 1193.

(b) Section 205(c)(1)(C) of such Act is amended by striking out "(8)" and inserting in lieu thereof "(11)". 80 Stat. 1192. 20 USC 241e.

(c) Section 206(a)(3) and section 207(b) of such Act are each amended by striking out "section 205(a)(5)" and inserting in lieu thereof "section 205(a)(6)". 79 Stat. 31, 1162. 20 USC 241f, 241g.

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CONFORMING AMENDMENTS TO MAKE STATE OR NATIONAL AVERAGE PER PUPIL EXPENDITURE OPTION AVAILABLE TO STATE AGENCY PROGRAMS UNDER TITLE I

SEC. 104. (a)(1) The second sentence of section 203(a)(6) of the Act of September 30, 1950, is amended by striking out "average per pupil expenditure in the United States" and inserting in lieu thereof the following: "average per pupil expenditure in that State or, if greater, in the United States".

80 Stat. 1192.
20 USC 241c.

(2) The first sentence of section 203(a)(7) of such Act is amended by inserting after "average per pupil expenditure in that State" the following: "or, if greater, in the United States".

80 Stat. 1194.

(b)(1) Section 203(a)(2) of such Act is amended by striking out the last sentence thereof.

(2) Section 203(a)(6) of such Act is amended by striking out the last sentence thereof.

(3) Section 203 of such Act is amended by adding at the end thereof the following subsection:

79 Stat. 28.

"Average per pupil expenditure."

"(e) For purposes of this section, the 'average per pupil expenditure' in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made, of all local educational agencies as defined in section 303(6)(A) in the State, or in the United States (which for the purposes of this subsection means the fifty States and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the sources of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year."

80 Stat. 1198.
20 USC 244.

(4) The first sentence of section 203(a)(2) and the first sentence of section 203(a)(5) are each amended by striking out the matter in the parentheses immediately after "United States".

(c) The amendments made by this section shall apply with respect to fiscal years ending on or after June 30, 1969.

USE OF RECENT CASELOAD DATA

SEC. 105. The third sentence of section 203(d) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "latest calendar or fiscal year data, whichever is later" and inserting in lieu thereof "caseload data for the month of January of the preceding fiscal year".

80 Stat. 1195.

JOINT TRAINING PROGRAMS FOR EDUCATION AIDES AND PROFESSIONAL STAFF

SEC. 106. Section 205(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting a semicolon at the end of paragraph (9), by striking out the period at the end of paragraph (10) and inserting in lieu thereof a semicolon and the word "and", and by adding at the end thereof the following new paragraph:

79 Stat. 30;
80 Stat. 1196.
20 USC 241e.

"(11) in the case of projects involving the use of education aides, the local educational agency sets forth well-developed plans providing for coordinated programs of training in which education aides and the professional staff whom they are assisting will participate together."

ADJUSTMENTS WHEN NECESSITATED BY APPROPRIATIONS

SEC. 107. (a) The second sentence of section 203(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended to read as follows: "Except as otherwise provided in section 208, for the fiscal years ending June 30, 1968, June 30, 1969, and June 30, 1970, they shall be 50 per centum and $3,000, respectively." 80 Stat. 1194. 20 USC 241c.

(b) Section 208 of such Act is amended to read as follows: 79 Stat. 33; 80 Stat. 1197. 20 USC 241h.

"ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"SEC. 208. If the sums appropriated for any fiscal year for making the payments provided in this part are not sufficient to pay in full the total amounts which all local and State educational agencies are eligible to receive under this part for such year—

"(1) the amount available for each grant to a State agency eligible for a grant under paragraph (5), (6), or (7) of section 203(a) shall be equal to the maximum grant as computed under such paragraph; 79 Stat. 1161; 80 Stat. 1192, 1194.

"(2) allocations shall be made to local educational agencies on the basis of computations, in accordance with section 203(a)(2) as reduced ratably, except that— 20 USC 241c. 79 Stat. 28. 80 Stat. 1193, 1194.

"(A) until appropriations are sufficient to satisfy all maximum grants as computed by using a low-income factor of $2,000, the low-income factor (referred to in section 203(c)) for such year shall be $2,000; and

"(B) the aggregate amount available for grants to local educational agencies within each State shall be not less than the aggregate amount allocated to local educational agencies within such State for the fiscal year ending June 30, 1967, until the total appropriations for that fiscal year exceed $1,500,000,000 for part A of title I;

"(3) the amount available for payments to each State educational agency for the purposes of section 207(b) shall be equal to 1 per centum of the aggregate amounts available within that State pursuant to paragraphs (1) and (2), except that no State shall receive less than the minimum amount provided for in section 207(b)(2). 79 Stat. 1162; 80 Stat. 1197. 20 USC 241g. Ante, p. 783.

In case additional funds become available for making payments under this part for that year, such reduced amounts shall be increased on the same basis that they were reduced. In order to permit the most effective use of all appropriations made to carry out this part, the Commissioner may set dates by which (1) State educational agencies must certify to him the amounts for which the applications of educational agencies have been or will be approved by the State, and (2) State educational agencies referred to in section 203(a)(6) must file applications. If the maximum grant a local educational agency or an agency referred to in section 203(a)(6) would receive (after any ratable reduction which may have been required under the first sentence of this section) is more than an amount which the State educational agency determines, in accordance with regulations prescribed by the Commissioner, such agency will use, the excess amount shall be made available first to educational agencies in that State. Determinations of the educational agencies to which such excess amounts shall be made available shall be made by the State educational agency in furtherance of the purposes of this part, in accordance with criteria prescribed by the Commissioner which are designed to assure that such excess amounts will be made available to other eligible educational agencies with the

81 STAT. 786

greatest need, for the purpose of, where appropriate, redressing inequities inherent in, or mitigating hardships caused by, the application of the provisions of paragraph (2) of section 203(a) as a result of such factors as population shifts and changing economic circumstances. In the event excess amounts remain after carrying out the preceding two sentences of this section, such excess amounts shall be distributed among the other States as the Commissioner shall prescribe for use by local educational agencies in such States for the purposes of this part in such manner as the respective State educational agencies shall prescribe."

79 Stat. 28; 80 Stat. 1193, 1194.
20 USC 241c.

SPECIAL INCENTIVE GRANTS

SEC. 108. (a) Title II of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is further amended by—

79 Stat. 27; 80 Stat. 1195, 1198.
20 USC 241a-241m.
Post, p. 787.

(1) inserting "PART A—BASIC GRANTS" immediately after the heading of such title;

(2) striking out "this title" wherever it appears in sections 201 through 208 and inserting in lieu thereof "this part";

(3) inserting "PART C—GENERAL PROVISIONS" immediately before the section heading of section 209;

(4) redesignating sections 209 through 214 and references thereto as sections 231 through 236; and

(5) inserting after section 208 thereof the following new part:

"PART B—INCENTIVE GRANTS

"SPECIAL INCENTIVE GRANTS

"SEC. 221. (a) A special incentive grant shall be made for any fiscal year beginning after June 30, 1968, to the State educational agency of each State which has an effort index for the preceding fiscal year that exceeds the national effort index for such year. The amount of such special incentive grant shall be determined by multiplying the amount of $1 for each 0.01 per centum by which such State's effort index for such year exceeds the national effort index for such year times the aggregate number of children counted for purposes of entitling local educational agencies within such State to basic grants in accordance with clauses (2), (5), (6), and (7) of section 203(a) of this Act. If the sum of the amounts so determined for all the States exceeds the amount appropriated pursuant to this part for any fiscal year, such amounts shall be ratably reduced. No State agency shall receive in any year a grant pursuant to this section which is in excess of 15 per centum of the total amount appropriated for such year for the purpose of this section. The State educational agency shall distribute such grant to those local educational agencies in such State which are in the greatest need of additional funds, for the purposes set forth in section 205(a), and amounts so distributed shall be used by such agencies in accordance with the provisions governing the use of grants to such agencies under this title.

79 Stat. 28, 1161; 80 Stat. 1192-1194.
20 USC 241c.

79 Stat. 30; 80 Stat. 1195, 1196.
20 USC 241e.

"(b) Grants pursuant to this section shall be made upon application containing such information as the Commissioner may require for the purpose of this section. The Commissioner shall not finally disapprove such an application except after reasonable notice and opportunity for a hearing to the State educational agency.

"State effort index."

"(c) For the purpose of this section the term 'State effort index' means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary

education to the total personal income in such State, and the term 'national effort index' means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States. "National effort index."

"(d) For the purpose of making grants under this part there are authorized to be appropriated not in excess of $50,000,000 each for the fiscal year ending June 30, 1969, and the succeeding fiscal year." Appropriation.

(b) Sections 232 and 233(a) of such Act (as redesignated by subsection (a) of this section) are each amended by striking out "or 206(b)" and inserting in lieu thereof ", 206(b) or 221(b)".

AGRICULTURAL WORKERS

SEC. 109. Section 205(c) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by adding at the end thereof the following new paragraph: 80 Stat. 1192. 20 USC 241e.

"(3) For purposes of this subsection, with the concurrence of his parents, a migratory child of a migratory agricultural worker shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection."

REDESIGNATING SECTION NUMBERS IN TITLE II OF PUBLIC LAW 874

SEC. 110. For the purpose of avoiding confusion between references to section numbers of title II of the Elementary and Secondary Education Act of 1965 and references to section numbers of title II of Public Law 874, Eighty-first Congress (which latter title is also generally cited as title I of the Elementary and Secondary Education Act of 1965), sections 201 through 208, 221, and 231 through 236 of Public Law 874, Eighty-first Congress, as amended by the preceding sections of this Act, are redesignated as sections 101 through 108, 121, and 131 through 136, respectively, and all references to any such section in that or any other law, or in any rule, regulation, order, or agreement of the United States are amended so as to refer to such section as so redesignated. 79 Stat. 36. 20 USC 821-827. 79 Stat. 27; 80 Stat. 1195, 1198. 20 USC 241a-241m. Ante, p. 786.

STUDY OF IMPACT OF CHILDREN LIVING IN PUBLIC HOUSING

SEC. 111. The Secretary of Health, Education, and Welfare shall make a study of the burden imposed on a local educational agency by the presence of low-rent public housing within the boundaries of its school district. The Secretary shall submit a report on the results of his study to the Senate and House of Representatives on or before May 15, 1968. Such report shall include such recommendations for legislation as the Secretary deems appropriate. Report to Congress.

COMPLIANCE WITH CIVIL RIGHTS ACT OF 1964

SEC. 112. Section 182 of title I of Public Law 89-750, Eighty-ninth Congress, is amended by striking the period at the end of section 182, inserting in lieu thereof a colon and the following language: "*Provided*, That, for the purpose of determining whether a local educational agency is in compliance with title VI of the Civil Rights Act of 1964 (Public Law 88-352), compliance by such agency with a final order or judgment of a Federal court for the desegregation of the school or school system operated by such agency shall be deemed to be compliance with such title VI, insofar as the matters covered in the order or judgment are concerned." 80 Stat. 1209. 42 USC 2000d-5. 78 Stat. 252. 42 USC 2000d-2000d-4.

STUDY OF DATA USED TO ESTABLISH ENTITLEMENTS

Report to Congress.

SEC. 113. The Commissioner of Education and the Secretary of Commerce, acting together, shall prepare and submit to the Senate and House of Representatives, on or before May 1, 1968, a report setting forth a method of determining the information necessary to establish entitlements within each of the several States under title I of the Elementary and Secondary Education Act of 1965 on the basis of data later than 1960. Such report shall include recommendations for legislation necessary to permit the adoption of such method.

Ante, p. 787.

ADDITION TO NATIONAL ADVISORY COUNCIL REPORT

SEC. 114. Section 134 of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new subsection:

79 Stat. 34; Ante, pp. 786, 787.
20 USC 2411.

"(e) In its annual report to the President and the Congress to be made not later than January 31, 1969, the Council shall report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children."

PART B—AMENDMENTS TO TITLE II OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

EXTENDING FOR TWO YEARS PROVISIONS RELATING TO SCHOOLS FOR INDIAN CHILDREN AND DEFENSE DEPARTMENT OVERSEAS DEPENDENTS SCHOOLS

SEC. 121. Section 202(a)(1) of the Elementary and Secondary Education Act of 1965 is amended by striking out "June 30, 1967" and inserting in lieu thereof "June 30, 1968, and the fiscal year ending June 30, 1969".

80 Stat. 1199.
20 USC 822.

PART C—REVISION OF TITLE III OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 131. Title III of the Elementary and Secondary Education Act of 1965 is amended to read as follows:

79 Stat. 39.
20 USC 841-848.

"TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES

"APPROPRIATIONS AUTHORIZED

"SEC. 301. (a) The Commissioner shall carry out a program for making grants for supplementary educational centers and services, to stimulate and assist in the provision of vitally needed educational services not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school educational programs to serve as models for regular school programs.

"(b) For the purpose of making grants under this title, there is hereby authorized to be appropriated the sum of $100,000,000 for the fiscal year ending June 30, 1966; $175,000,000 for the fiscal year ending June 30, 1967; $500,000,000 for the fiscal year ending June 30, 1968; $512,500,000 for the fiscal year ending June 30, 1969; and $550,000,000 for the fiscal year ending June 30, 1970. In addition, there are hereby authorized to be appropriated for the fiscal year ending

June 30, 1968, and each of the two succeeding fiscal years, such sums as may be necessary for the administration of State plans, the activities of advisory councils, and the evaluation and dissemination activities required under this title.

"ALLOTMENT AMONG STATES

"SEC. 302. (a)(1) There is hereby authorized to be appropriated for each fiscal year for the purposes of this paragraph an amount equal to not more than 3 per centum of the amount appropriated for such year for grants under this title. The Commissioner shall allot the amount appropriated pursuant to this paragraph among Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this title. In addition for each fiscal year ending prior to July 1, 1969, he shall allot from such amount to (A) the Secretary of the Interior the amount necessary to provide programs and projects for the purpose of this title for individuals on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (B) the Secretary of Defense the amount necessary for such assistance for children and teachers in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

"(2) From the sums appropriated for making grants under this title for any fiscal year pursuant to section 301(b), the Commissioner shall allot $200,000 to each State and shall allot the remainder of such sums among the States as follows:

"(A) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the number of children aged five to seventeen, inclusive, in the State bears to the number of such children in all the States, and

"(B) He shall allot to each State an amount which bears the same ratio to 50 per centum of such remainder as the population of the State bears to the population of all the States.

For the purposes of this subsection, the term 'State' does not include the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(b) The number of children aged five to seventeen, inclusive, and the total population of a State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(c) The amount allotted to any State under subsection (a) for any fiscal year, which the Commissioner determines will not be required for the period for which that amount is available, shall be available for grants pursuant to section 306 in such State, and if not so needed may be reallotted or used for grants pursuant to section 306 in other States. Funds available for reallotment may be reallotted from time to time, on such dates during that period as the Commissioner may fix, among other States in proportion to the amounts originally allotted among those States under subsection (a) for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner estimates that State needs and will be able to use for that period; and the total of these reductions may be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection from funds appropriated pursuant to sec-

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tion 301 for any fiscal year shall be deemed to be a part of the amount allotted to it under subsection (a) for that year.

"(d) The amounts made available under the first sentence of subsection (c) for any fiscal year shall remain available for grants during the next succeeding fiscal year.

"USES OF FEDERAL FUNDS

"SEC. 303. (a) Funds appropriated pursuant to section 301 shall, except as provided in subsection (b), be available only for grants in accordance with applications approved pursuant to this title for—

"(1) planning for and taking other steps leading to the development of programs or projects designed to provide supplementary educational activities and services described in paragraphs (2) and (3), including pilot projects designed to test the effectiveness of plans so developed;

"(2) the establishment or expansion of exemplary and innovative educational programs (including dual-enrollment programs and the lease or construction of necessary facilities) for the purpose of stimulating the adoption of new educational programs (including those described in section 503(4) and special programs for handicapped children) in the schools of the State; and

79 Stat. 49;
80 Stat. 1203.
20 USC 863.

"(3) the establishment, maintenance, operation, and expansion of programs or projects, including the lease or construction of necessary facilities and the acquisition of necessary equipment, designed to enrich the programs of local elementary and secondary schools and to offer a diverse range of educational experience to persons of varying talents and needs by providing, especially through new and improved approaches, supplementary educational services and activities, such as—

"(A) comprehensive guidance and counseling, remedial instruction, and school health, physical education, recreation, psychological, social work, and other services designed to enable and encourage persons to enter, remain in, or reenter educational programs, including the provision of special educational programs and study areas during periods when schools are not regularly in session;

"(B) comprehensive academic services and, where appropriate, vocational guidance and counseling, for continuing adult education;

"(C) specialized instruction and equipment for students interested in studying advanced scientific subjects, foreign languages, and other academic subjects which are not taught in the local schools or which can be provided more effectively on a centralized basis, or for persons who are handicapped or of preschool age;

"(D) making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary basis for the benefit of children in public and other nonprofit schools, organizations, and institutions;

"(E) developing, producing, and transmitting radio and television programs for classroom and other educational use;

"(F) in the case of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs (including preschool education), because some or all of its schools are seriously overcrowded, obsolete, or unsafe, initiating and carrying out programs or projects designed to meet those needs, particu-

larly those which will result in more effective use of existing facilities;

"(G) providing special educational and related services for persons who are in or from rural areas or who are or have been otherwise isolated from normal educational opportunities, including, where appropriate, the provision of mobile educational services and equipment, special home study courses, radio, television, and related forms of instruction, bilingual education methods, and visiting teachers' programs;

"(H) encouraging community involvement in educational programs; and

"(I) other specially designed educational programs or projects which meet the purposes of this title.

"(b) In addition to the uses specified in subsection (a), funds appropriated for carrying out this title may be used for—

"(1) proper and efficient administration of State plans;

"(2) obtaining technical, professional, and clerical assistance and the services of experts and consultants to assist the advisory councils authorized by this title in carrying out their responsibilities; and

"(3) evaluation of plans, programs, and projects, and dissemination of the results thereof.

"APPLICATIONS FOR GRANTS—CONDITIONS FOR APPROVAL

"SEC. 304. (a) A grant under this title pursuant to an approved State plan or by the Commissioner for a supplementary educational center or service program or project may be made only to a local educational agency or agencies, and then only if there is satisfactory assurance that, in the planning of that program or project there has been, and in the establishment and carrying out thereof there will be, participation of persons broadly representative of the cultural and educational resources of the area to be served. The term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources. Such grants may be made only upon application to the appropriate State educational agency or to the Commissioner, as the case may be, at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Such applications shall— "Cultural and educational resources."

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purposes set forth in section 303(a) and provide for such methods of administration as are necessary for the proper and efficient operation of the programs;

"(3) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 303(a), and in no case supplant such funds;

"(4) provide, in the case of an application for assistance under this title which includes a project for the construction of necessary facilities, satisfactory assurance that—

"(A) reasonable provision has been made, consistent with the other uses to be made of the facilities, for areas in such

facilities which are adaptable for artistic and cultural activities,

"(B) upon completion of the construction, title to the facilities will be in a State or local educational agency,

"(C) in developing plans for such facilities, (i) due consideration will be given to excellence of architecture and design and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project), and (ii) there will be compliance with such standards as the Secretary may prescribe or approve in order to insure that, to the extent appropriate in view of the uses to be made of the facilities, such facilities are accessible to and usable by handicapped persons, and

"(D) the requirements of section 310 will be complied with;

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

Annual report.

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

Records.

"(b) An application by a local educational agency for a grant under this title may be approved only if it is consistent with the applicable provisions of this title and—

"(1) meets the requirements set forth in subsection (a);

"(2) provides that the program or project for which application is made—

"(A) will utilize the best available talents and resources and will substantially increase the educational opportunities in the area to be served by the applicant, and

"(B) to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type provided by the program or project, makes provision for the participation of such children; and

"(3) has been reviewed by a panel of experts.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"STATE ADVISORY COUNCILS AND STATE PLANS

SEC. 305. (a)(1) Any State desiring to receive payments for any fiscal year to carry out a State plan under this title shall (A) establish within its State educational agency a State advisory council (hereinafter referred to as the 'State advisory council') which meets the requirements set forth in paragraph (2), (B) set dates before which local educational agencies must have submitted applications for grants to the State educational agency, and (C) submit to the Commissioner, through its State educational agency, a State plan at such time and in such detail as the Commissioner may deem necessary. The Commissioner may, by regulation, set uniform dates for the submission of State plans and applications.

"(2) The State advisory council, established pursuant to paragraph (1), shall—

"(A) be appointed by the State educational agency, and be broadly representative of the cultural and educational resources of the State (as defined in section 304(a)) and of the public, including persons representative of—

"(i) elementary and secondary schools,

"(ii) institutions of higher education, and

"(iii) areas of professional competence in dealing with children needing special education because of physical or mental handicaps;

"(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for approval of applications under such State plan;

"(C) review, and make recommendations to the State educational agency on the action to be taken with respect to, each application for a grant under the State plan;

"(D) evaluate programs and projects assisted under this title;

"(E) prepare and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner and to the National Advisory Council, established pursuant to this title, at such times, in such form, and in such detail, as the Secretary may prescribe; and

"(F) obtain such professional, technical, and clerical assistance as may be necessary to carry out its functions under this title.

"(b) The Commissioner shall approve a State plan, or modification thereof, if he determines that the plan submitted for that fiscal year—

"(1) sets forth a program (including educational needs, and their basis, and the manner in which the funds paid to the State under this title shall be used in meeting such educational needs) under which funds paid to the State under section 307(a) will be expended solely for the improvement of education in the State through grants to local educational agencies for programs or projects in accordance with sections 303 and 304: *Provided*, That, in the case of a State educational agency that also is a local educational agency, its approval of a program or project to be carried out by it in the latter capacity shall, for the purposes of this title, be deemed an award of a grant by it upon application of a local educational agency if the State plan contains, in addition to the provisions otherwise required by this section, provisions and assurances (applicable to such program or project) that are fully equivalent to those otherwise required of a local educational agency;

"(2) sets forth the administrative organization and procedures, including the qualifications for personnel having responsibilities in the administration of the plan in such detail as the Commissioner may prescribe by regulation;

"(3) sets forth criteria for achieving an equitable distribution of assistance under this title, which criteria shall be based on consideration of (A) the size and population of the State, (B) the geographic distribution and density of the population within the State, and (C) the relative need of persons in different geographic areas and in different population groups within the State for the kinds of services and activities described in section 303, and the financial ability of the local educational agencies serving such persons to provide such services and activities;

"(4) provides for giving special consideration to the application of any local educational agency which is making a reasonable tax effort but which is nevertheless unable to meet critical educational needs, including preschool education for four- and five-year-olds and including where appropriate bilingual education, because some or all of its schools are seriously overcrowded (as a result of growth or shifts in enrollment or otherwise), obsolete, or unsafe;

"(5) provides that, in approving applications for grants for programs or projects, applications proposing to carry out programs or projects planned under this title will receive special consideration;

"(6) provides for adoption of effective procedures (A) for the evaluation, at least annually, of the effectiveness of the programs and projects, by the State advisory council, supported under the State plan in meeting the purposes of this title, (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects, and (C) for adopting, where appropriate, promising educational practices developed through such programs or projects;

"(7) provides that not less than 50 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for purposes of paragraphs (1) and (2) of section 303(a);

"(8) provides that not less than 15 per centum of the amount which such State receives to carry out the plan in such fiscal year shall be used for special programs or projects for the education of handicapped children;

"(9) sets forth policies and procedures which give satisfactory assurance that Federal funds made available under this title for any fiscal year (A) will not be commingled with State funds, and (B) will be so used as to supplement and, to the extent practical, increase the fiscal effort (determined in accordance with criteria prescribed by the Commissioner, by regulation) that would, in the absence of such Federal funds, be made by the applicant for educational purposes;

"(10) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the State under this title;

"(11) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the areas served by programs or projects supported under the State plan and in the State as a whole, including reports of evaluations made in accordance with objective measurements under the State plan pursuant to paragraph (6), and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(12) provides that final action with respect to any application (or amendment thereof) regarding the proposed final disposition thereof shall not be taken without first affording the local educational agency or agencies submitting such application reasonable notice and opportunity for a hearing; and

"(13) contains satisfactory assurance that, in determining the eligibility of any local educational agency for State aid or the amount of such aid, grants to that agency under this title shall not be taken into consideration.

"(c) The Commissioner may, if he finds that a State plan for the fiscal year ending June 30, 1969, is in substantial compliance with the requirements set forth in subsection (b), approve that part of the plan which is in compliance with such requirements and make available (pursuant to section 307) to that State that part of the State's allotment which he determines to be necessary to carry out that part of the plan so approved. The remainder of the amount which such State is eligible to receive under this section may be made available to such State only if the unapproved portion of that State plan has been so modified as to bring the plan into compliance with such requirements: *Provided*, That the amount made available to a State pursuant to this subsection shall not be less than 50 per centum of the maximum amount which the State is eligible to receive under this section.

"(d) A State which has had a State plan approved for any fiscal year may receive for the purpose of carrying out such plan an amount not in excess of 75 per centum of its allotment pursuant to section 302 for the fiscal year ending June 30, 1969, and for the fiscal year ending June 30, 1970, plus for such fiscal year ending June 30, 1970, such part of the remainder of such allotment as is not used pursuant to section 306.

"(e)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State educational agency submitting the plan reasonable notice and opportunity for a hearing.

"(2) Whenever the Commissioner, after reasonable notice and opportunity for hearings to any State educational agency, finds that there has been a failure to comply substantially with any requirement set forth in the plan of that State approved under section 305 or with any requirement set forth in the application of a local educational agency approved pursuant to section 304, the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

"(3)(A) If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under subsection (a) or with his final action under paragraph (2), such State may, within 60 days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code. Judicial review. 72 Stat. 941.

"(B) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings.

"(C) The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. 62 Stat. 928.

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Judicial review.

"(f) (1) If any local educational agency is dissatisfied with the final action of the State educational agency with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State educational agency. The State educational agency thereupon shall file in the court the record of the proceedings on which the State educational agency based its action as provided in section 2112 of title 28, United States Code.

72 Stat. 941.

"(2) The findings of fact by the State educational agency, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State educational agency to take further evidence, and the State educational agency may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

"(3) The court shall have jurisdiction to affirm the action of the State educational agency or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

62 Stat. 928.

"SPECIAL PROGRAMS AND PROJECTS

"SEC. 306. (a) From the portion described in subsection (c) of the amount allotted to any State, pursuant to section 302, the Commissioner is authorized, subject to the provisions of section 304, to make grants to local educational agencies in such State for programs or projects which meet the purposes of section 303 and which, in the case of a local educational agency in a State which has a State plan approved, hold promise of making a substantial contribution to the solution of critical educational problems common to all or several States. The Commissioner may not approve an application under this section unless the application has been submitted to the appropriate State educational agency for comment and recommendation with respect to the action to be taken by the Commissioner regarding the disposition of the application.

"(b) Not less than 15 per centum of the funds granted pursuant to this section in any fiscal year shall be used for programs or projects designed to meet the special educational needs of handicapped children.

"(c) For the fiscal year ending June 30, 1969, not in excess of 25 per centum of a State's allotment shall be available for the purposes of this section, and for the fiscal year ending June 30, 1970, only such part, not in excess of 25 per centum, of such allotment shall be available as is necessary to continue toward completion projects pursuant to this section in such State which were initiated prior to such fiscal year except that, for the fiscal year ending June 30, 1969, any portion of a State's allotment which is not available for grants under an approved State plan shall be available for grants in such State under this section.

"PAYMENTS

"SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

"(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(b), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, $150,000 ($50,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan during the fiscal year ending June 30, 1970, shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year or $100,000 ($35,000 in the case of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

"(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

"(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

"RECOVERY OF PAYMENTS

"SEC. 308. If within twenty years after completion of any construction for which Federal funds have been paid under this title—

"(a) the owner of the facility shall cease to be a State or local educational agency, or

"(b) the facility shall cease to be used for the educational and related purposes for which it was constructed, unless the Commissioner determines in accordance with regulations that there is good cause for releasing the applicant or other owner from the obligation to do so,

the United States shall be entitled to recover from the applicant or other owner of the facility an amount which bears to the then value of the facility (or so much thereof as constituted an approved project or projects) the same ratio as the amount of such Federal funds bore to the cost of the facility financed with the aid of such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"NATIONAL ADVISORY COUNCIL

"SEC. 309. (a) The President shall, by January 31, 1968, appoint a National Advisory Council on Supplementary Centers and Services which shall—

"(1) review the administration of, general regulations for, and operation of this title, including its effectiveness in meeting the purposes set forth in section 303;

"(2) review, evaluate, and transmit to the Congress and the President the reports submitted pursuant to section 305(a)(2)(E);

"(3) evaluate programs and projects carried out under this title and disseminate the results thereof; and

"(4) make recommendations for the improvement of this title, and its administration and operation.

Membership.

"(b) The Council shall be appointed by the President without regard to the civil service laws and shall consist of twelve members, a majority of whom shall be broadly representative of the educational and cultural resources of the United States including at least one person who has professional competence in the area of education of handicapped children. Such members shall be appointed for terms of three years except that (1) in the case of the initial members, four shall be appointed for terms of one year each and four shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. When requested by the President, the Secretary of Health, Education, and Welfare shall engage such technical and professional assistance as may be required to carry out the functions of the Council, and shall make available to the Council such secretarial, clerical and other assistance and such pertinent data prepared by the Department of Health, Education, and Welfare as it may require to carry out its functions.

Terms of office.

Reports to President and Congress.

"(c) The Council shall make an annual report of its findings and recommendations (including recommendations for changes in the provisions of this title) to the President and the Congress not later than January 20 of each year. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report.

Compensation, travel expenses.

"(d) Members of the Council who are not regular full-time employees of the United States shall, while serving on business of the Council, be entitled to receive compensation at rates fixed by the President, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

80 Stat. 499.

"LABOR STANDARDS

"SEC. 310. All laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this title shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5). The Secretary of Labor shall have with respect to the labor standards specified in this section the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

49 Stat. 1011.

64 Stat. 1267.

53 Stat. 108.

EFFECTIVE DATE

SEC. 132. (a) The amendment made by section 131 shall be effective July 1, 1968, except as specifically provided in subsection (b).

(b)(1) That part of section 305(a) of the Elementary and Secondary Education Act of 1965, as amended by section 131, concerning State advisory councils, and section 309 of such Act, as so amended, shall be effective upon enactment of this Act.

(2) The second sentence of section 301(b) of such Act, as so amended, shall be effective upon enactment of this Act. Ante, p. 788.

(c) The Commissioner is authorized, upon enactment of this Act, to take such steps as he may deem appropriate in order to prepare to implement the amendment made by section 131.

PART D—AMENDMENTS TO TITLE V OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

DURATION OF AND FUNDS FOR TITLE

SEC. 141. (a) Section 501(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years,". 79 Stat. 47. 20 USC 861.

(b) Section 501(b) of such Act is amended by striking out "and $50,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof the following: "$65,000,000 for the fiscal year ending June 30, 1968, and $80,000,000 each for the fiscal years ending June 30, 1969, and June 30, 1970,". 80 Stat. 1203.

INCLUSION OF TRUST TERRITORY OF PACIFIC ISLANDS

SEC. 142. (a) The first and third sentences of paragraph (1) of section 502(a) of the Elementary and Secondary Education Act of 1965, relating to apportionment of appropriations, are each amended by striking out "and" after "Samoa," and by inserting ", and the Trust Territory of the Pacific Islands" after "Virgin Islands". 20 USC 862.

(b)(1) Paragraph (j) of section 701 of such Act, defining the term "State", is amended by striking out "and for purposes of title II and title III, such term includes the Trust Territory of the Pacific Islands" and inserting in lieu thereof ", and for purposes of titles II, III, and V such term also includes the Trust Territory of the Pacific Islands". 79 Stat. 55; 80 Stat. 1204. 20 USC 881.

(2) Such section 701 is further amended by inserting ", except when otherwise specified" immediately after "As used in titles II, III, and V of this Act".

REVISION OF APPORTIONMENT FORMULA

SEC. 143. The second sentence of paragraph (1) of section 502(a) of the Elementary and Secondary Education Act of 1965 is amended to read as follows: "The remainder of such per centum of such sums shall be apportioned by the Commissioner as follows: 20 USC 862.

"(A) He shall apportion 40 per centum of such remainder among the States in equal amounts.

"(B) He shall apportion to each State an amount that bears the same ratio to 60 per centum of such remainder as the number of public school pupils in the State bears to the number of public school pupils in all the States, as determined by the Commissioner on the basis of the most recent satisfactory data available to him."

ENCOURAGEMENT OF USE OF AUXILIARY PERSONNEL

SEC. 144. Section 503 of the Elementary and Secondary Education Act of 1965 is amended by redesignating paragraphs (7), (8), (9), (10), and (11) as (8), (9), (10), (11), and (12), respectively, and by inserting after paragraph (6) the following new paragraph: 20 USC 863.

"(7) programs and other activities specifically designed to encourage the full and adequate utilization and acceptance of auxiliary personnel (such as teacher aides) in elementary and secondary schools on a permanent basis;".

COMPREHENSIVE PLANNING GRANTS

SEC. 145. (a) Section 503 of the Elementary and Secondary Education Act of 1965 is amended by striking out "and" at the end of the next to the last paragraph, by striking out the period at the end thereof and inserting a semicolon, and by adding at the end thereof the following new paragraphs:

Ante, p. 799.

"(13) programs for providing grants to local educational agencies in metropolitan areas to enable them to engage in comprehensive planning to meet their particular needs, either alone or in cooperation with other such agencies; and

"(14) a program, which shall be included in each such overall program for each fiscal year pursuant to this section, for distributing in the State in an equitable manner on the basis of need among local educational agencies, within the State at least 10 per centum of such amount to be used by such agencies for any of the purposes of this title as applied to a local educational agency in lieu of a State educational agency."

Ante, p. 799.

(b) (1) Section 502(a) of such Act is amended by striking out "85" each time it appears and inserting "95" in lieu thereof.

79 Stat. 48; 20 USC 862.

(2) Section 502(a)(2) of such Act is amended by striking out "Fifteen" and inserting in lieu thereof "Five".

20 USC 865.

(3) Section 505 of such Act is amended by striking out "Fifteen" and inserting in lieu thereof "Five".

(c) The amendments made by subsections (a) and (b) shall be effective for fiscal years beginning after June 30, 1968.

GRANTS TO INTERSTATE COMMISSIONS

SEC. 146. Section 505 of the Elementary and Secondary Education Act of 1965 is amended by striking out the period at the end of such section and inserting in lieu thereof the following: ", and for grants to public regional interstate commissions or agencies for educational planning and research."

PART E—AMENDMENTS TO TITLE VI OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AND RELATED AMENDMENTS

REGIONAL RESOURCE CENTERS, SERVICES FOR DEAF-BLIND CHILDREN, RECRUITMENT OF PERSONNEL

SEC. 151. Title VI of the Elementary and Secondary Education Act of 1965 is amended by—

80 Stat. 1204. 20 USC 871.

(1) inserting immediately below the heading of such title

"PART A—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN";

(2) inserting immediately above the heading of section 608

"PART E—GENERAL PROVISIONS";

80 Stat. 1207. 20 USC 878-880.

(3) redesignating sections 608, 609, and 610 and references thereto as sections 611, 612, and 613, respectively;

(4) striking out the words "this title" wherever they occur in sections 601, and 603 through 607, and inserting in lieu thereof "this part"; and

(5) inserting immediately after section 607 the following:

"PART B—REGIONAL RESOURCE CENTERS FOR IMPROVEMENT OF THE EDUCATION OF HANDICAPPED CHILDREN

"REGIONAL RESOURCE CENTERS

"SEC. 608. (a) For the purpose of aiding in the establishment and operation of regional centers which will develop and apply the best methods of appraising the special educational needs of handicapped children referred to them and will provide other services to assist in meeting such needs, there are authorized to be appropriated $7,500,000 for the fiscal year ending June 30, 1968, $7,750,000 for the fiscal year ending June 30, 1969, and $10,000,000 for the fiscal year ending June 30, 1970.

"(b) Appropriations under this section shall be available to the Commissioner for grants to or contracts with institutions of higher education, State educational agencies, or combinations of such agencies or institutions (which combinations may include one or more local educational agencies), within particular regions of the United States, to pay all or part of the cost of establishment (including construction) or operation of regional resource centers for the improvement of education of the handicapped in such regions. Centers established or operated under this section shall (1) provide testing and educational evaluation to determine the special educational needs of handicapped children referred to such centers, (2) develop educational programs to meet those needs, and (3) assist schools and other appropriate agencies, organizations, and institutions in providing such educational programs through services such as consultation (including, in appropriate cases, consultation with parents or teachers of handicapped children at such regional centers), periodic reexamination and reevaluation of special educational programs, and other technical services.

"(c) In determining whether to approve an application for a project under this section, the Commissioner shall consider the need for such a center in the region to be served by the applicant and the capability of the applicant to develop and apply, with the assistance of funds under this section, new methods, techniques, devices, or facilities relating to educational evaluation or education of handicapped children.

"(d) Payment pursuant to grants or contracts under this section may be made (after necessary adjustments on account of previously made underpayments or overpayments) in advance or by reimbursement, and in such installments and on such conditions as the Commissioner may determine.

"PART C—CENTERS AND SERVICES FOR DEAF-BLIND CHILDREN

"SEC. 609. (a) It is the purpose of this part to provide, through a limited number of model centers for deaf-blind children, a program designed to develop and bring to bear upon such children, beginning as early as feasible in life, those specialized, intensive professional and allied services, methods, and aids that are found to be most effective to enable them to achieve their full potential for communication with and adjustment to the world around them, for useful and meaningful participation in society, and for self-fulfillment.

"(b) The Secretary is authorized, upon such terms and conditions (subject to the provisions of subsection (d)(1) of this section) as he deems appropriate to carry out the purposes of this part, to make grants to or contracts with public or nonprofit private agencies, organizations, or institutions to pay all or part of the cost of establishment (including, when necessary, construction) or operation, or both, of centers for deaf-blind children.

"(c) In determining whether to make a grant or contract under subsection (b), the Secretary shall take into consideration the need for a center for deaf-blind children in the light of the general availability and quality of existing services for such children in the part of the country involved.

"(d)(1) A grant or contract pursuant to subsection (b) shall be made only if the Secretary determines that there is satisfactory assurance that the center will provide such services as he has by regulation prescribed, including at least—

"(A) comprehensive diagnostic and evaluative services for deaf-blind children;

"(B) a program for the adjustment, orientation, and education of deaf-blind children which integrates all the professional and allied services necessary therefor; and

"(C) effective consultative services for parents, teachers, and others who play a direct role in the lives of deaf-blind children to enable them to understand the special problems of such children and to assist in the process of their adjustment, orientation, and education.

"(2) Any such services may be provided to deaf-blind children (and, where applicable, other persons) regardless of whether they reside in the center, may be provided at some place other than the center, and may include the provision of transportation for any such children (including an attendant) and for parents.

"(e) The Secretary is further authorized, either as part of any grant or contract under subsection (b), or by separate grant to or contract with an agency, organization, or institution operating a center meeting the requirements prescribed by or pursuant to subsection (d), to provide for the payment of all or part of the cost of such activities as—

"(1) research to identify and meet the full range of special needs of deaf-blind children;

"(2) development or demonstration of new, or improvements in existing, methods, approaches, or techniques which would contribute to the adjustment and education of deaf-blind children;

"(3) training (either directly or otherwise) of professional and allied personnel engaged or preparing to engage in programs specifically designed for deaf-blind children, including payment of stipends for trainees and allowances for travel and other expenses for them and their dependents; and

"(4) dissemination of materials and information about practices found effective in working with deaf-blind children.

"Construction." "(f) For purposes of this part, the term 'construction' includes, in addition to those matters set forth in section 701(b), construction of residential facilities; and the cost of construction shall be deemed to include the cost of acquisition of land in connection with any of the foregoing, but not the cost of off-site improvements.

"(g) If within twenty years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to a grant or contract under this part the facility constructed ceases to be used for the purposes for which it was constructed, the United States, unless the Secretary determines that there is good cause for releasing the recipient of the funds from its obligation, shall be entitled to recover from the applicant or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which the facility is situated.

"(h) For purposes of this part, the determination of children who are both deaf and blind shall be made in accordance with regulations of the Secretary.

"(i) Payments pursuant to grants or contracts under this part may be made (after necessary adjustment on account of previously made overpayments or underpayments) in advance or by way of reimbursements, and in such installments and on such conditions as the Secretary may determine.

"(j) For the purpose of carrying out this part, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1968, $3,000,000 for the fiscal year ending June 30, 1969, and $7,000,000 for the fiscal year ending June 30, 1970.

"PART D—RECRUITMENT OF PERSONNEL AND INFORMATION ON EDUCATION OF THE HANDICAPPED

"GRANTS OR CONTRACTS TO IMPROVE RECRUITING OF EDUCATIONAL PERSONNEL, AND TO IMPROVE DISSEMINATION OF INFORMATION CONCERNING EDUCATIONAL OPPORTUNITIES FOR THE HANDICAPPED

"SEC. 610. (a) The Commissioner is authorized to make grants to public or nonprofit private agencies, organizations, or institutions, or to enter into contracts with public or private agencies, organizations, or institutions, for projects for—

"(1) encouraging students and professional personnel to work in various fields of education of handicapped children and youth through, among other ways, developing and distributing imaginative or innovative materials to assist in recruiting personnel for such careers, or publicizing existing forms of financial aid which might enable students to pursue such careers, or

"(2) disseminating information about the programs, services, and resources for the education of handicapped children, or providing referral services, to parents, teachers, and other persons especially interested in the handicapped.

"(b) To carry out the purposes of this section, there are authorized to be appropriated $1,000,000 for the fiscal year ending June 30, 1968, and for each of the two succeeding fiscal years."

TRANSFER OF DEFINITION AND OTHER TECHNICAL AMENDMENTS

SEC. 152. (a) Section 602 of title VI of the Elementary and Secondary Education Act of 1965 is redesignated as section 614 and transferred to the end of such title. 80 Stat. 1204. 20 USC 872.

(b) Section 601 of such title is amended by—

(1) striking out the section heading and inserting in lieu thereof the heading

"GRANTS TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN";

(2) striking out "(a)" in subsection (a);

(3) redesignating section 601(b) and references thereto as section 602 by striking out "(b)" in subsection (b) and inserting "SEC. 602." in lieu thereof; and

(4) inserting above section 602 as so redesignated the section heading

"APPROPRIATIONS AUTHORIZED".

(c)(1) The portion of section 701 of the Elementary and Secondary Education Act of 1965 (containing definitions) which precedes subsection (a), as amended by section 142(b) of this Act, is further amended by striking out "As used in titles II, III, and V" and inserting in lieu thereof "As used in titles II, III, V, and VI". Ante, p. 799.

(2) Paragraph (j) of such section 701, as amended by section 142 (b) of this Act, is further amended by striking out "and V" and inserting in lieu thereof "V, and VI".

Ante, p. 799.

INCLUDING SCHOOLS FOR INDIAN CHILDREN OPERATED BY THE DEPARTMENT OF THE INTERIOR AND DEFENSE DEPARTMENT OVERSEAS DEPENDENTS SCHOOLS IN TITLE VI

SEC. 153. (a) So much of paragraph (1) of section 603(a) of the Elementary and Secondary Education Act of 1965 as follows the first sentence is amended to read as follows: "The Commissioner shall allot the amount appropriated pursuant to this paragraph among—

80 Stat. 1205.
20 USC 873.

"(A) Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective needs, and

"(B) for the fiscal year ending June 30, 1968, and the succeeding fiscal year, (i) the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance for the education of handicapped children in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this part."

(b) The first sentence of paragraph (2) of section 603(a) of the Elementary and Secondary Education Act of 1965 is amended by changing the period at the end thereof to a comma and adding the following: "except that no State shall be allotted less than $100,000 or three-tenths of 1 per centum of such amount available for allotment to the States, whichever is greater."

SHORT TITLE OF TITLE VI OF ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 154. Title VI of the Elementary and Secondary Education Act of 1965 is further amended by adding at the end thereof the following new section:

80 Stat. 1204.
20 USC 871.

"SHORT TITLE

"SEC. 615. This title may be cited as the 'Education of the Handicapped Act'."

EXPANSION OF INSTRUCTIONAL MEDIA PROGRAMS TO INCLUDE ALL HANDICAPPED CHILDREN

SEC. 155. (a) Subsection (b) of the first section of the Act entitled "An Act to provide in the Department of Health, Education, and Welfare for a loan service of captioned films for the deaf" (42 U.S.C. 2491 et seq.), is amended to read as follows in order to conform its statement of objectives to amendments made to such Act by Public Law 89-258 and by this Act:

79 Stat. 983.

"(b) to promote the educational advancement of handicapped persons by (1) carrying on research in the use of educational media for the handicapped, (2) producing and distributing educational media for the use of handicapped persons, their parents, their actual or potential employers, and other persons directly involved in work for the

advancement of the handicapped, and (3) training persons in the use of educational media for the instruction of the handicapped."

(b) Section 2 of such Act is amended by adding the following at the end thereof: "Handicapped." 79 Stat. 983. 42 USC 2492.

"(4) The term 'handicapped' means deaf, mentally retarded, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons."

(c) Section 3 of such Act is amended by striking out the word "deaf" and inserting in lieu thereof "handicapped" each time it occurs therein.

(d)(1) Subsection (b)(5) of section 3 of such Act is amended by inserting immediately before the semicolon at the end thereof the following: ", including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may determine, which shall be consistent with prevailing practices under comparable federally supported programs".

(2) This subsection shall take effect on the date of enactment of this Act, except that as to payments made pursuant to such section 3 prior to such date this subsection shall be effective as of September 28, 1962.

(e) Section 4 of such Act is amended by striking out "$5,000,000" and inserting "$8,000,000" in lieu thereof and by striking out "$7,000,000" and inserting "$10,000,000" in lieu thereof.

AUTHORIZING CONTRACTS, AS WELL AS GRANTS, FOR RESEARCH IN EDUCATION OF THE HANDICAPPED

SEC. 156. (a) The first sentence of section 302(a) of Public Law 88-164 is amended (1) by striking out "and" before "$14,000,000"; (2) by inserting ", and $18,000,000 for the fiscal year ending June 30, 1970" after "June 30, 1969"; and (3) by inserting ", and to make contracts with States, State or local educational agencies, public and private institutions of higher learning, and other public or private educational or research agencies and organizations, for research and related purposes (as defined in this section) and to conduct research, surveys, or demonstrations," immediately before "relating to education for mentally retarded," and by striking out "for research or demonstration projects". 77 Stat. 295. 79 Stat. 429. 20 USC 618.

(b) The second sentence of such section 302(a) is amended by striking out "Such grants shall be made" and inserting in lieu thereof "Payments pursuant to grants or contracts under this section may be made".

PART F—AMENDMENTS TO TITLE VII OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TECHNICAL ASSISTANCE TO RURAL AREAS

SEC. 171. (a) Section 706 of the Elementary and Secondary Education Act of 1965 is amended by redesignating subsection (b) as subsection (c) and by inserting before such subsection a new subsection as follows: 80 Stat. 1209. 20 USC 886.

"(b) For such purpose and also for the purpose of carrying out more effectively other provisions of Federal law, the Commissioner, upon request from a State educational agency, shall provide counseling and technical assistance to elementary and secondary schools in rural areas, as defined by the Commissioner, of such State (1) in determining benefits available to such agencies and schools under Federal laws, and (2) in preparing applications and meeting other requirements for such benefits. Assistance pursuant to this subsection may, in accordance with such request, be provided by personnel from the Office of Education or be provided in the form of grants in such amounts as may be necessary for such State educational agency to employ such personnel as may be necessary to provide such assistance,"

(b) Section 706 of such Act is amended in subsection (c), as redesignated by subsection (a), by striking out "and not to exceed $2,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof "$3,500,000 for the fiscal year ending June 30, 1968, $3,700,000 for the fiscal year ending June 30, 1969, and $4,000,000 for the fiscal year ending June 30, 1970".

Ante, p. 805.

DEMONSTRATION PROJECTS TO PREVENT DROPOUTS

SEC. 172. Title VII of the Elementary and Secondary Education Act of 1965 is amended by inserting at the end thereof a new section as follows:

79 Stat. 55; 80 Stat. 1204. 20 USC 881-886.

"DROPOUT PREVENTION PROJECTS

"SEC. 707. (a) The Commissioner is authorized to arrange by contract grant, or otherwise, with local educational agencies for the carrying out by such agencies in schools which (1) are located in urban or rural areas, (2) have a high percentage of children from families with an income not exceeding the low-income factor, as defined in section 103(c), and (3) have a high percentage of such children who do not complete their education in elementary or secondary school, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their education in elementary and secondary schools.

"(b) The Commissioner shall approve arrangements pursuant to this section only on application by a local educational agency and upon his finding:

"(1) that the project will be carried out in one or more schools described in subsection (a);

"(2) that the applicant has analyzed the reasons for such children not completing their education and has designed a program to meet this problem;

"(3) that effective procedures, including objective measurements of educational achievements, will be adopted for evaluating at least annually the effectiveness of the project; and

"(4) that the project has been approved by the appropriate State educational agency.

"(c) There is authorized to be appropriated not to exceed $30,000,000 for the period ending June 30, 1969, and $30,000,000 for the fiscal year ending June 30, 1970, for the purpose of this section."

TITLE II—FEDERALLY AFFECTED AREAS

PART A—ASSISTANCE FOR SCHOOL CONSTRUCTION AND CURRENT EXPENDITURES IN IMPACTED AREAS

CLARIFYING DEFINITIONS OF "FEDERAL PROPERTY"

SEC. 201. Section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by—

72 Stat. 556. 20 USC 645. 64 Stat. 1108; 79 Stat. 35. 20 USC 244.

(a) striking out the second sentence thereof;

(b) striking out "also" in the penultimate sentence thereof; and

(c) inserting immediately before the last sentence thereof the following new sentence: "Such term also includes any interest in Federal property (as defined in the foregoing provisions of

this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia."

EFFECTIVE DATE FOR CERTAIN 1966 AMENDMENTS

SEC. 202. The amendment made by section 204, and the amendment made by section 229, of the Elementary and Secondary Education Amendments of 1966 shall be effective only with respect to fiscal years beginning after June 30, 1969. 80 Stat. 1212, 1215. 20 USC 241, 640.

MODIFYING PROVISIONS RELATING TO SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

SEC. 203. (a) Subsection (a) of section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended in the following respects: 72 Stat. 555. 20 USC 644.

(1) Paragraph (1) is amended by striking out "Federal property" and inserting in lieu thereof "Indian lands", and by inserting ", or that such Indian lands constitute a substantial part of the school district of such local educational agency," immediately after "such agency provides free public education".

(2) Paragraph (2) is amended by striking out "Federal property" and inserting in lieu thereof "Indian lands".

(3) Paragraph (4) is amended by striking out "in its school district" and inserting in lieu thereof "of a substantial percentage of the children in the membership of its schools".

(4) Such subsection (a) is further amended by—

(A) striking out "is attributable to children who reside on Federal property, and which" in the portion of the first sentence of subsection (a) which follows paragraph (4);

(B) striking out "in the case of any application for additional assistance on account of children who reside on Indian lands" in the second sentence of such subsection (a);

(C) striking out "subsection (c)" and inserting in lieu thereof "subsection (d)" in the third sentence of such subsection (a); and

(D) striking out "third" and inserting in lieu thereof "second" in the last sentence of such section (a).

(b) Section 14 of such Act, as amended by this section, is further amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting immediately after subsection (a) the following new subsection (b):

"(b) If the Commissioner determines with respect to any local educational agency that—

"(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located out-

side the school district of such agency equals or exceeds one hundred; and

"(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

he may, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest, provide the additional assistance necessary to enable such agency to provide the minimum school facilities required for free public education of children in the membership of the schools of such agency who reside on Indian lands; but such additional assistance may not exceed the portion of the cost of constructing such facilities which the Commissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (d) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection 'Indian lands' means Indian reservations or other real property referred to in the second sentence of section 15(1)."

72 Stat. 555.
20 USC 644.

(c) Subsection (d) of section 14 of such Act, as redesignated by subsection (b) of this section, is amended by inserting "or (b)" immediately after "subsection (a)" each time it occurs in such subsection.

(d) Subsection (e) of section 14 of such Act, as redesignated by subsection (b) of this section, is amended by inserting "or (b)" immediately after "subsection (a)".

DELETING REQUIREMENT THAT CERTAIN CONTRIBUTIONS BE DEDUCTED

SEC. 204. (a) (1) Paragraph (3) of section 2(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out "(A) other Federal payments with respect to the property so acquired, or (B)".

64 Stat. 1100.
20 USC 237.

(2) Section 2(a) of such Act is further amended by striking out in the matter following paragraph (3) of such section the following: ", to the extent such agency is not compensated for such burden by other Federal payments with respect to the property so acquired".

(b) The last sentence of section 2(a) of such Act is amended by striking out ", minus the amount which in his judgment the local educational agency derived from other Federal payments with respect to the property so acquired and had available in such year for current expenditures".

(c) Subsection (b) of section 2 of such Act is amended to read as follows:

"(b) For the purposes of this section any real property with respect to which payments are being made under section 13 of the Tennessee Valley Authority Act of 1933, as amended, shall not be regarded as Federal property."

48 Stat. 58.
16 USC 831.

20 USC 238.

(d) Section 3 of such Act is amended by striking out subsection (e) thereof, including the heading of such subsection, and by redesignating subsection (f) of such section as subsection (e).

PROVISIONS FOR INTERNATIONAL BOUNDARY CHANGE

SEC. 205. (a) The last sentence of section 3(b) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by inserting before the period at the end thereof the following: "; but if, by reason of any other provision of law, this sentence is not considered in computing the amount to which any local educational agency is entitled for the fiscal year ending June 30, 1967, the additional amount to which such agency would have been entitled had this sentence been so considered, shall be added to such agency's entitlement for the first fiscal year for which funds appropriated to carry out this Act may be used for such purpose". 80 Stat. 1211. 20 USC 238.

(b) Section 5(a)(4) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by inserting before the period at the end thereof the following: "; but if, by reason of any other provision of law, this clause is not considered in computing the maximum payments a local educational agency may receive for the fiscal year ending June 30, 1967, the additional amount such agency would have been entitled to receive shall be added to such agency's entitlement for the first fiscal year for which funds appropriated to carry out this Act may be used for such purpose". 80 Stat. 1215. 20 USC 635.

REPEAL OF MANDATORY GROUP RATE PROVISIONS

SEC. 206. Effective for fiscal years beginning after June 30, 1967, subsection (d) of section 3 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), as amended, is amended as follows: 74 Stat. 414.

(1) The first sentence is amended by inserting "and the local educational agency" following "the State educational agency". 20 USC 238.

(2) Clauses (1) and (2) of the first sentence are amended to read as follows:

"(1) he shall determine which school districts within the State are in his judgment generally comparable to the school districts of the agency for which the computation is being made; and

"(2) he shall then divide (A) the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which he is making the computation, which the local educational agencies of such comparable school districts made from revenues derived from local sources, by (B) the aggregate number of children in average daily attendance to whom such agencies provided free public education during such second preceding fiscal year."

(3) The third sentence is amended by striking out "If, in the judgment of the Commissioner, the current expenditures in the school districts within the generally comparable group as determined under clause (1)" and inserting in lieu thereof "If, in the judgment of the Commissioner, the current expenditures in those school districts which he has selected under clause (1)".

DISCRETION TO WAIVE CERTAIN REQUIREMENT

SEC. 207. Section 5(e) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended (1) by striking out "subsections (c) and (d)" and inserting in lieu thereof "subsections (c), (d), and (f)", and (2) by inserting before the period at the end thereof the following: "; or (3) he may waive or reduce the requirement contained in subsection (f)". 72 Stat. 550. 20 USC 635.

EFFECTIVE DATE

SEC. 208. The amendments made by sections 201, 203, 204, 205, 206, and 207 of this part shall be deemed to have been enacted prior to June 30, 1967, and shall be effective for fiscal years beginning thereafter.

PART B—ASSISTANCE FOR SCHOOL CONSTRUCTION AND CURRENT EXPENDITURES IN DISASTER AREAS

SCHOOL CONSTRUCTION ASSISTANCE

SEC. 217. Section 16(a) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended to read as follows:

79 Stat. 1158.
20 USC 646.

"SCHOOL CONSTRUCTION ASSISTANCE IN CASES OF CERTAIN DISASTERS

"SEC. 16. (a) In any case in which—

"(1)(A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which, after August 30, 1965, and prior to July 1, 1970, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity or magnitude to warrant disaster assistance by the Federal Government; or

64 Stat. 1109.

"(B) the Commissioner determines with respect to any such agency that public elementary or secondary school facilities (or, in the case of a public agency other than a local educational agency, school facilities providing technical, vocational, or other special education to children of elementary or secondary school age) of such agency have been destroyed or seriously damaged as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any such catastrophe caused by negligence or malicious action; and

"(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

and if the Commissioner determines with respect to such agency that—

"(3) as a result of such major disaster, (A) public elementary or secondary school facilities of such agency (or, in the case of a public agency other than a local educational agency, school facilities providing technical, vocational, or other special education to children of elementary or secondary school age) have been destroyed or seriously damaged, or (B) private elementary or secondary school facilities serving children who reside in the area served by such agency have been destroyed and will not be replaced, thereby increasing the need of such agency for school facilities;

"(4) such agency is utilizing or will utilize all State and other financial assistance available for the replacement or restoration of such school facilities;

"(5) such agency does not have sufficient funds available to it from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance on such school facilities, and requires an amount of additional assistance equal to at least $1,000 or one-half of 1 per centum of such agency's current operating expendi-

tures during the fiscal year preceding the one in which such disaster occurred, whichever is less, to provide the minimum school facilities needed (A) for the restoration or replacement of the school facilities of such agency so destroyed or seriously damaged or (B) to serve, in facilities of such agency, children who but for the destruction of the private facilities referred to in clause (3) (B) would be served by such private facilities; and

"(6) in the case of any such major disaster, to the extent that the operation of private elementary and secondary schools in the school attendance area of the local educational agency has been disrupted or impaired by such disaster, such local educational agency has complied with the provisions of section 7(a)(4) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), with respect to provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate,

the Commissioner may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance, plus the amount which he determines to be available from State, local, and other Federal sources (including funds available under other provisions of this Act), and from the proceeds of insurance, may not exceed the cost of construction incident to the restoration or replacement of the school facilities destroyed or damaged as a result of the disaster. In all cases determined pursuant to clause (1)(B) of this subsection, and in any other case deemed appropriate by the Commissioner, such assistance shall be in the form of a repayable advance subject to such terms and conditions as he considers to be in the public interest."

CURRENT SCHOOL EXPENDITURES ASSISTANCE

SEC. 218. Section 7 of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended to read as follows: 79 Stat. 1159. 20 USC 241-1.

"ASSISTANCE FOR CURRENT SCHOOL EXPENDITURES IN CASES OF CERTAIN DISASTERS

"SEC. 7. (a) In any case in which—

"(1)(A) the Director of the Office of Emergency Planning determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary or secondary school age) that such agency is located in whole or in part within an area which after August 30, 1965, and prior to July 1, 1970, has suffered a major disaster as the result of any flood, drought, fire, hurricane, earthquake, storm, or other catastrophe which, in the determination of the President pursuant to section 2(a) of the Act of September 30, 1950 (42 U.S.C. 1855a(a)), is or threatens to be of sufficient severity or magnitude to warrant disaster assistance by the Federal Government; or 64 Stat. 1109.

"(B) the Commissioner determines with respect to any such agency that public elementary or secondary school facilities of such agency have been destroyed or seriously damaged as a result of flood, hurricane, earthquake, storm, fire, or other catastrophe, except any such catastrophe caused by negligence or malicious action; and

"(2) the Governor of the State in which such agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of such State, or of any political subdivision thereof, for the same or similar purposes with respect to such catastrophe;

and if the Commissioner determines with respect to such agency that—

"(3) such agency is utilizing or will utilize all State and other financial assistance available to it for the purpose of meeting the cost of providing free public education for the children attending the schools of such agency, but as a result of such disaster it is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least $1,000 or one-half of 1 per centum of such agency's current operating expenditures during the fiscal year preceding the one in which such disaster occurred, whichever is less, and

"(4) in the case of any such major disaster to the extent that the operation of private elementary and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by such disaster, such local educational agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in such private elementary and secondary schools may attend and participate: *Provided*, That nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction,

the Commissioner may provide to such agency the additional assistance necessary to provide free public education to the children attending the schools of such agency, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest. Such additional assistance may be provided for a period not greater than a five-fiscal-year period beginning with the fiscal year in which it is determined pursuant to clause (1) of this subsection that such agency suffered a disaster. The amount so provided for any fiscal year shall not exceed the amount which the Commissioner determines to be necessary to enable such agency, with the State, local, and other Federal funds available to it for such purpose, to provide a level of education equivalent to that maintained in the schools of such agency prior to the occurrence of such disaster, taking into account the additional costs reasonably necessary to carry out the provisions of clause (4) of this subsection. The amount, if any, so provided for the second, third, and fourth fiscal years following the fiscal year in which it is so determined that such agency has suffered a disaster shall not exceed 75 per centum, 50 per centum, and 25 per centum, respectively, of the amount so provided for the first fiscal year following such determination.

"(b) In addition to and apart from the funds provided under subsection (a), the Commissioner is authorized to provide to such agency an amount which he determines to be necessary to replace instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of such disaster, to make minor repairs, and to lease or otherwise provide (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily such facilities which have been made unavailable as a result of the disaster.

"(c) There is hereby authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Commissioner may expend (without regard to subsections (a) and (e) of section 3679 of

the Revised Statutes (31 U.S.C. 665)) from any funds heretofore or hereafter appropriated for expenditure in accordance with other sections of this Act, such sums as may be necessary for immediately providing assistance under this section, such appropriations to be reimbursed from the appropriations authorized by this subsection when made.

"(d) No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Commissioner in accordance with the regulations prescribed by him. In determining the order in which such applications shall be approved, the Commissioner shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications.

"(e) Amounts paid by the Commissioner to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Commissioner may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States."

TITLE III—DURATION OF AND AUTHORIZATION FOR PROGRAMS

Extension of Certain Programs Under Elementary and Secondary Education Act of 1965 and Public Laws 815 and 874, Eighty-first Congress

SEC. 301. (a) Section 102 of title I of the Elementary and Secondary Education Act of 1965 (as redesignated by section 110 of this Act) is amended by striking out "June 30, 1968" and inserting in lieu thereof "June 30, 1970". Ante, p. 787.

(b) (1) Section 201(a) of the Elementary and Secondary Education Act of 1965 is amended by striking out "during the fiscal year ending June 30, 1966, and each of the four succeeding fiscal years,". 79 Stat. 36. 20 USC 821.

(2) Section 201(b) of such Act is amended by striking out "and $150,000,000 for the fiscal year ending June 30, 1968; but for the fiscal year ending June 30, 1969, and the succeeding fiscal year, only such sums may be appropriated as the Congress may hereafter authorize by law" and inserting in lieu thereof "$150,000,000 for the fiscal year ending June 30, 1968, $162,500,000 for the fiscal year ending June 30, 1969, and $200,000,000 for the fiscal year ending June 30, 1970". 80 Stat. 1199. 20 USC 821.

(c) (1) Section 601 of such Act (as redesignated by section 152 of this Act) is amended by striking out "during the fiscal year ending June 30, 1967, and the succeeding fiscal year,". Ante, p. 803.

(2) Section 602 of such Act (as redesignated by section 152 of this Act) is amended by striking out "and $150,000,000 for the fiscal year ending June 30, 1968" and inserting in lieu thereof the following: "$150,000,000 for the fiscal year ending June 30, 1968, $162,500,000 for the fiscal year ending June 30, 1969, and $200,000,000 for the fiscal year ending June 30, 1970".

(d) (1) Section 3 of the Act of September 23, 1950 (Public Law 815), Eighty-first Congress), is amended by striking out "June 30, 1967" and inserting in lieu thereof "June 30, 1970". 72 Stat. 548. 20 USC 633.

(2) Section 15(15) of such Act is amended by striking out "1962–1963" and inserting in lieu thereof "1965–1966". 80 Stat. 1213. 20 USC 645.

(e) Sections 2(a), 3(b), and 4(a) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by striking out "1968" wherever it occurs and inserting in lieu thereof "1970". 79 Stat. 36. 20 USC 237.

TITLE IV—PROVISIONS FOR ADEQUATE LEADTIME AND FOR PLANNING AND EVALUATION IN ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

ACTS SUBJECT TO THIS TITLE

SEC. 401. The provisions of this title shall apply to title I of the Elementary and Secondary Education Act of 1965 (title II of Public Law 81-874), titles II, III, V, VI, VII, and VIII of the Elementary and Secondary Education Act of 1965, and the Adult Education Act of 1966 (title III of the Elementary and Secondary Education Amendments of 1966), as now in effect or hereafter from time to time amended.

79 Stat. 27.
20 USC 241a note.
20 USC 821.
Ante, p. 788.
20 USC 861, 871, 881, post, p. 816.
80 Stat. 1216.
20 USC 1201 note.

PROGRAM PLANNING AND EVALUATION

SEC. 402. There are authorized to be appropriated, for each fiscal year for which appropriations are otherwise authorized under any title or Act referred to in section 401, such sums as may be necessary, to be available to the Secretary, in accordance with regulations prescribed by him, for expenses, including grants, contracts, or other payments, for (1) planning for the succeeding year programs or projects authorized under such title or Act and (2) evaluation of programs or projects so authorized.

ADVANCE FUNDING

SEC. 403. To the end of affording the responsible State, local, and Federal officers concerned adequate notice of available Federal financial assistance for education, appropriations for grants, contracts, or other payments under any Act referred to in section 401 are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application under any such Act will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

EVALUATION REPORTS AND CONGRESSIONAL REVIEW

SEC. 404. (a) No later than January 31 of each calendar year, the Secretary shall transmit to the respective committees of the Congress having legislative jurisdiction over any Act referred to in section 401 and to the respective Committees on Appropriations a report evaluating the results and effectiveness of programs and projects assisted thereunder during the preceding fiscal year, together with his recommendations (including any legislative recommendations) relating thereto.

(b) In the case of any such program, the report submitted in the penultimate fiscal year for which appropriations are then authorized to be made for such program shall include a comprehensive and detailed review and evaluation of such program (as up to date as the due date permits) for its entire past life, based to the maximum extent practicable on objective measurements, together with the Secretary's recommendations as to proposed legislative action.

AVAILABILITY OF APPROPRIATIONS ON ACADEMIC OR SCHOOL YEAR BASIS

SEC. 405. Appropriations for any fiscal year for grants, contracts, or other payments to educational agencies or institutions under any Act referred to in section 401 may, in accordance with regulations of the Secretary, be made available for expenditure by the agency or institution concerned on the basis of an academic or school year differing from such fiscal year.

TITLE V—EXTENSION OF ADULT EDUCATION PROGRAM

REVISION OF ALLOTMENTS

SEC. 501. The first sentence of section 305(a) of the Adult Education Act of 1966 (title III of Public Law 89-750) is amended to read as follows: "From the sums available for purposes of section 304(b) for any fiscal year, the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $100,000 to each State." 80 Stat. 1217. 20 USC 1204.

INCLUDING PRIVATE NONPROFIT AGENCIES

SEC. 502. (a) Section 304(b) of the Adult Education Act of 1966 is amended by striking out the period at the end thereof and inserting in lieu thereof the following: "and private nonprofit agencies." 20 USC 1203.

(b) Section 306(a)(7) of such Act is amended by inserting immediately after "local educational agencies" the following: "and private nonprofit agencies". 20 USC 1205.

FEDERAL SHARE

SEC. 503. The second sentence of section 307(a) of the Adult Education Act of 1966 is amended to read as follows: "For the fiscal year ending June 30, 1967, and succeeding fiscal years, the Federal share for each State shall be 90 per centum, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 per centum." 20 USC 1206.

AUTHORIZATION EXTENDED

SEC. 504. Section 314 of the Adult Education Act of 1966 is amended by striking out "and" before "$60,000,000" and by inserting the following after "June 30, 1968,": "$70,000,000 for the fiscal year ending June 30, 1969, and $80,000,000 for the fiscal year ending June 30, 1970,". 20 USC 1213.

TITLE VI—STUDY FOR SCHOOLBUS SAFETY

STUDY FOR SCHOOLBUS SAFETY

SEC. 601. (a) The Secretary of Health, Education, and Welfare, in cooperation with the Secretary of Transportation, is authorized to make a study and investigation in order to recommend action to promote schoolbus safety (including safety of operation), and such study may include such research and testing activities as the Secretary determines to be necessary to carry out the provisions of this title.

(b) The Secretary of Health, Education, and Welfare shall report the results of such study, together with his recommendations, to the Congress not later than January 31, 1969. Report to Congress.

APPROPRIATIONS AUTHORIZED

SEC. 602. There is hereby authorized to be appropriated $150,000 to carry out the provisions of this title.

TITLE VII—BILINGUAL EDUCATION PROGRAMS

FINDINGS OF CONGRESS

SEC. 701. The Congress hereby finds that one of the most acute educational problems in the United States is that which involves millions of children of limited English-speaking ability because they come from environments where the dominant language is other than English; that additional efforts should be made to supplement present attempts to find adequate and constructive solutions to this unique and perplexing educational situation; and that the urgent need is for comprehensive and cooperative action now on the local, State, and Federal levels to develop forward-looking approaches to meet the serious learning difficulties faced by this substantial segment of the Nation's school-age population.

AMENDMENT TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

79 Stat. 55; 80 Stat. 1204. 20 USC 881-886.

SEC. 702. The Elementary and Secondary Education Act of 1965 is amended by redesignating title VII as title VIII, by redesignating sections 701 through 707 and references thereto as sections 801 through 807, respectively, and by inserting after title VI the following new title:

"TITLE VII—BILINGUAL EDUCATION PROGRAMS

"SHORT TITLE

"SEC. 701. This title may be cited as the 'Bilingual Education Act'.

"DECLARATION OF POLICY

"SEC. 702. In recognition of the special educational needs of the large numbers of children of limited English-speaking ability in the United States, Congress hereby declares it to be the policy of the United States to provide financial assistance to local educational agencies to develop and carry out new and imaginative elementary and secondary school programs designed to meet these special educational needs. For the purposes of this title, 'children of limited English-speaking ability' means children who come from environments where the dominant language is other than English.

"AUTHORIZATION AND DISTRIBUTION OF FUNDS

"SEC. 703. (a) For the purposes of making grants under this title, there is authorized to be appropriated the sum of $15,000,000 for the fiscal year ending June 30, 1968, $30,000,000 for the fiscal year ending June 30, 1969, and $40,000,000 for the fiscal year ending June 30, 1970.

"(b) In determining distribution of funds under this title, the Commissioner shall give highest priority to States and areas within States having the greatest need for programs pursuant to this title. Such priorities shall take into consideration the number of children of limited English-speaking ability between the ages of three and eighteen in each State.

"USES OF FEDERAL FUNDS

"SEC. 704. Grants under this title may be used, in accordance with applications approved under section 705, for—

"(a) planning for and taking other steps leading to the development of programs designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, including research projects, pilot projects designed to test the effectiveness of plans so developed, and the development and dissemination of special instructional materials for use in bilingual education programs; and 42 USC 401-428.

"(b) providing preservice training designed to prepare persons to participate in bilingual education programs as teachers, teacher-aides, or other ancillary education personnel such as counselors, and inservice training and development programs designed to enable such persons to continue to improve their qualifications while participating in such programs; and

"(c) the establishment, maintenance, and operation of programs, including acquisition of necessary teaching materials and equipment, designed to meet the special educational needs of children of limited English-speaking ability in schools having a high concentration of such children from families (A) with incomes below $3,000 per year, or (B) receiving payments under a program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act, through activities such as—

"(1) bilingual education programs;

"(2) programs designed to impart to students a knowledge of the history and culture associated with their languages;

"(3) efforts to establish closer cooperation between the school and the home;

"(4) early childhood educational programs related to the purposes of this title and designed to improve the potential for profitable learning activities by children;

"(5) adult education programs related to the purposes of this title, particularly for parents of children participating in bilingual programs;

"(6) programs designed for dropouts or potential dropouts having need of bilingual programs;

"(7) programs conducted by accredited trade, vocational, or technical schools; and

"(8) other activities which meet the purposes of this title.

"APPLICATIONS FOR GRANTS AND CONDITIONS FOR APPROVAL

"SEC. 705. (a) A grant under this title may be made to a local educational agency or agencies, or to an institution of higher education applying jointly with a local educational agency, upon application to the Commissioner at such time or times, in such manner and containing or accompanied by such information as the Commissioner deems necessary. Such application shall—

"(1) provide that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

"(2) set forth a program for carrying out the purpose set forth in section 704 and provide for such methods of administration as are necessary for the proper and efficient operation of the program;

81 STAT. 817
81 STAT. 818

"(3) set forth a program of such size, scope, and design as will make a substantial step toward achieving the purpose of this title;

"(4) set forth policies and procedures which assure that Federal funds made available under this title for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds (including funds made available under title I of this Act) that would, in the absence of such Federal funds, be made available by the applicant for the purposes described in section 704, and in no case supplant such funds;

79 Stat. 27;
80 Stat. 1198.
20 USC 241a note.

"(5) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title;

"(6) provide for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this title and to determine the extent to which funds provided under this title have been effective in improving the educational opportunities of persons in the area served, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports;

"(7) provide assurance that provision has been made for the participation in the project of those children of limited English-speaking ability who are not enrolled on a full-time basis; and

"(8) provide that the applicant will utilize in programs assisted pursuant to this title the assistance of persons with expertise in the educational problems of children of limited English-speaking ability and make optimum use in such programs of the cultural and educational resources of the area to be served; and for the purposes of this paragraph, the term 'cultural and educational resources' includes State educational agencies, institutions of higher education, nonprofit private schools, public and nonprofit private agencies such as libraries, museums, musical and artistic organizations, educational radio and television, and other cultural and educational resources.

"(b) Applications for grants under title may be approved by the Commissioner only if—

"(1) the application meets the requirements set forth in subsection (a);

"(2) the program set forth in the application is consistent with criteria established by the Commissioner (where feasible, in cooperation with the State educational agency) for the purpose of achieving an equitable distribution of assistance under this title within each State, which criteria shall be developed by him on the basis of a consideration of (A) the geographic distribution of children of limited English-speaking ability, (B) the relative need of persons in different geographic areas within the State for the kinds of services and activities described in paragraph (c) of section 704, and (C) the relative ability of particular local educational agencies within the State to provide those services and activities;

"(3) the Commissioner determines (A) that the program will utilize the best available talents and resources and will substan-

tially increase the educational opportunities for children of limited English-speaking ability in the area to be served by the applicant, and (B) that, to the extent consistent with the number of children enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which this program is intended to meet, provision has been made for participation of such children; and

81 STAT. 818
81 STAT. 819

"(4) the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

"(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulations, be subject to approval in the same manner as original applications.

"PAYMENTS

"SEC. 706. (a) The Commissioner shall pay to each applicant which has an application approved under this title an amount equal to the total sums expended by the applicant under the application for the purposes set forth therein.

"(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

"ADVISORY COMMITTEE

"SEC. 707. (a) The Commissioner shall establish in the Office of Education an Advisory Committee on the Education of Bilingual Children, consisting of nine members appointed, without regard to the civil service laws, by the Commissioner with the approval of the Secretary. The Commissioner shall appoint one such member as Chairman. At least four of the members of the Advisory Committee shall be educators experienced in dealing with the educational problems of children whose native tongue is a language other than English.

"(b) The Advisory Committee shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including the development of criteria for approval of applications thereunder. The Commissioner may appoint such special advisory and technical experts and consultants as may be useful and necessary in carrying out the functions of the Advisory Committee.

"(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

Members. Compensation; travel expenses.

80 Stat. 49

"LABOR STANDARDS

"SEC. 708. All laborers and mechanics employed by contractors or subcontractors on all minor remodeling projects assisted under this title shall be paid wages at rates not less than those prevailing on similar minor remodeling in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a-5). The Secretary of Labor shall have, with respect to the labor standards specified in this section, the authority

49 Stat. 1011; 78 Stat. 238.

64 Stat. 1267.
63 Stat. 108.

and functions set forth in Reorganization Plan Numbered 14 of 1950 and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c)."

CONFORMING AMENDMENTS

Ante, p. 816.
81 STAT. 819
81 STAT. 820

SEC. 703. (a) That part of section 801 (as so redesignated by section 702 of this Act) of the Elementary and Secondary Education Act of 1965 which precedes clause (a) is amended by striking out "and VI" and inserting in lieu thereof "VI, and VII".

(b) Clause (j) of such section 801 as amended by this Act is further amended by striking out "and VI" and inserting in lieu thereof "VI, and VII".

AMENDMENTS TO TITLE V OF THE HIGHER EDUCATION ACT OF 1965

79 Stat. 1258.
20 USC 1111.
Ante, p. 93.

SEC. 704. (a) The third sentence of section 521 of the Education Professions Development Act (title V of the Higher Education Act of 1965) is amended (1) effective for the fiscal year ending June 30, 1968 only, by inserting after "a career of teaching in elementary or secondary schools" a new phrase as follows: ", a career of teaching children of limited English-speaking ability", and (2) effective with respect to subsequent fiscal years, by inserting ", and including teaching children of limited English-speaking ability" after "including teaching in preschool and adult and vocational education programs".

20 USC 1112.

(b) Effective for the fiscal year ending June 30, 1968, only, section 522(a) of such Act is amended by striking out "ten thousand fellowships for the fiscal year ending June 30, 1968" and inserting in lieu thereof "eleven thousand fellowships for the fiscal year ending June 30, 1968".

20 USC 1118.

(c) (1) Section 528 of such Act is amended, effective with respect to fiscal years ending after June 30, 1967, by striking out "$275,000,000" and inserting in lieu thereof "$285,000,000"; striking out "$195,000,000" and inserting in lieu thereof "$205,000,000"; striking out "$240,000,000" and inserting in lieu thereof "$250,000,000"; and striking out "July 1, 1968" and inserting in lieu thereof "July 1, 1970".

Ante, p. 94.

(2) The amendments made by this subsection shall, notwithstanding section 9(a) of Public Law 90-35, be effective with regard to fiscal years beginning after June 30, 1967.

Ante, p. 92.

(d) Section 531(b) of such Act is amended by redesignating clauses (8) and (9) thereof as clauses (9) and (10), respectively, and by inserting immediately after clause (7) the following new clause:

"(8) programs or projects to train or retrain persons engaging in special educational programs for children of limited English-speaking ability;".

AMENDMENTS TO TITLE XI OF THE NATIONAL DEFENSE EDUCATION ACT OF 1958

78 Stat. 1107;
79 Stat. 1254.
20 USC 591.

SEC. 705. (a) Section 1101 of the National Defense Education Act of 1958 is amended by striking out "and for each of the two succeeding fiscal years" and inserting in lieu thereof "and for the succeeding fiscal year, and $51,000,000 for the fiscal year ending June 30, 1968".

79 Stat. 1228.

(b) Such section is further amended by striking out the period at the end of clause (3) and inserting in lieu thereof a comma and the word "or", and by inserting after such clause a new clause as follows:

"(4) who are engaged in or preparing to engage in special educational programs for children of limited English-speaking ability."

AMENDMENTS TO COOPERATIVE RESEARCH ACT

SEC. 706. Subsections (a) and (b) of section 2 of the Cooperative Research Act are each amended by inserting "and title VII" after "section 503(a)(4)". 68 Stat. 533; 79 Stat. 44. 20 USC 331 note.

Approved January 2, 1968.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 188 (Comm. on Education & Labor) and No. 1049 (Comm. of Conference).
SENATE REPORT No. 726 (Comm. on Labor & Public Welfare).
CONGRESSIONAL RECORD, Vol. 113 (1967):
May 22-24: Considered and passed House.
Dec. 1, 4-8, 11: Considered and passed Senate amended.
Dec. 15: House and Senate agreed to conference report.